

a-867

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Thomas R. Byrne	Vice-Chairman
Edward L. Henry	Member
Leo B. Gambrino	Ex-Officio Member
Keith H. Maurer	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR THE ANNEXATION
OF CERTAIN LAND TO THE VILLAGE OF WAITE PARK, MINNESOTA

The petition for the annexation to the Village of Waite Park of certain real estate situated in the County of Stearns, State of Minnesota, and described as follows, to-wit:

Blocks One (1) through Thirteen (13), in Oakdale Addition, according to the plat and survey thereof on file and of record in the office of the Register of Deeds in and for Stearns County, Minnesota,

Blocks One (1) and Two (2) in Waite Park Acres Addition, according to the plat and survey thereof on file and of record in the office of the Register of Deeds in and for Stearns County, Minnesota,

The East 104.35 feet of the West 435.98 feet of the North 208.71 feet of the Northeast Quarter of the Northwest Quarter of Section 16, Township 124, Range 28,

by certain owners thereof, came duly on for hearing before the Minnesota Municipal Commission November 15, 1965, November 26, 1965, and December 10, 1965. All members and ex-officio members were present at the November 15th and December 10th hearing. Edward L. Henry, Leo B. Gambrino, and Keith H. Maurer were present at the November 26th hearing. The Village of Waite Park appeared by and through its mayor, its council, and its attorney, Michael H. Donohue. The Township of St. Cloud appeared by and through the members of the Town Board and their attorney, John B. Pattison, Jr., Residents of the property hereinbefore described appeared in person, both for and against said annexation and were heard.

It was made to appear that a petition was filed with the Village of Waite Park for the annexation of the real estate hereinbefore described to the Village of Waite Park, Minnesota.

It was made to appear that certified copies of said petition were duly filed with the County Board in and for Stearns County, Minnesota, the Town Board in and for the Township of St. Cloud, Minnesota, and the Municipal Commission of the State of Minnesota.

It was made to appear that the Township of St. Cloud, Minnesota, duly filed objections to said annexation, within the time provided by statute, with the Municipal Commission of the State of Minnesota, by virtue of which objections, jurisdiction of said annexation vested with said commission.

It was made to appear that Notice of said hearing was duly made and posted, and that notice of continued hearings were duly given.

Evidence was offered and received for and against said annexation at said hearings.

After due and careful consideration of the evidence so offered and received, together with all of the records, files, and proceedings had and taken herein, and being duly advised in the premises, the Municipal Commission of the State of Minnesota now makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

I.

That due, timely and adequate notice of the petition and the hearing thereon, including the continued hearings, was posted, published, served and filed.

II.

That the property described herein abuts the legal boundaries of the Village of Waite Park and is platted property, with the exception of the last described parcel, which is .50 acres.

III.

That the petition for the annexation of said property was signed by a majority of the owners of said property.

That the Village of Waite Park approves of said annexation.

V.

That the population of the area to be annexed is approximately 500 people, and that the population of the Village of Waite Park is 2016 people.

VI.

That the area to be annexed is approximately 63 acres, as compared to approximately 437 acres in the Village of Waite Park.

VII.

That the assessed valuation of the area to be annexed is \$77,183.00, as compared to the assessed valuation of the Village of Waite Park of \$440,000.00.

VIII.

That the area to be annexed is of urban character, fully developed residential.

IX.

That the taxes in the area to be annexed will increase, but that the increase will be commensurate with the municipal services provided by the Village of Waite Park to it. That a recent state survey presented in evidence at said hearing set out the assessors true and full value in the Township of St. Cloud to be 25.5% of the actual market value, and the assessors full and true value in the Village of Waite Park is 26.2% of the actual market value. That the mill rate for 1965 levied by the Township of St. Cloud was 12.9 mills, as compared to the rate of 78.6 mills levied by the Village of Waite Park. That the mill rate increase against an almost equal assessed valuation should provide for an increase in taxes equal to the increased service provided by the Village of Waite Park.

X.

That there is a present need in the area to be annexed

for all municipal services, and particularly street maintenance, police and fire protection, and water and sewer service. That the evidence disclosed that a number of the water wells now in use in the area to be annexed are contaminated, particularly from surfactant contamination, the source of which is from the cisterns and cesspools now in use in the area to be annexed. That there is no other disposal of sewage into the ground in any area immediately surrounding the area to be annexed. That this ground and water contamination has, in addition, contaminated to a small degree the wells of the Village of Waite Park. That the only sure means of curing the contamination is by collecting sewage in the area to be annexed and carrying it into the Waite Park sewage system, and dispensing with disposal of sewage into the ground. That the wells now contaminated cannot be purified except with the passage of time. That the only way to provide pure water is to obtain it from a pure source. That the wells in the Village of Waite Park are yet producing pure water. That, if the use of cisterns and cesspools in the area is discontinued, the wells in Waite Park will not be further contaminated, and thus a supply of pure water will be maintained.

XI.

That the Village of Waite Park has a police department and fire department capable of providing full protection to the area to be annexed. That said village is capable of providing adequate street maintenance in the area to be annexed. That the water supply of said village consisting of four wells is capable of providing all water necessary for the area to be annexed, and will have sufficient capacity left to meet future expansion in the village. That the village now has a sewage treatment facility for the treatment of sewage, and is presently negotiating with the City of St. Cloud, Minnesota, for the treatment by said city of the village's sewage. That the evidence disclosed that the City of St. Cloud and the

Village of Waite Park are near to an agreement in said negotiations. That the evidence further disclosed that the Minnesota Water Pollution Control Commission has ordered said village and said city to negotiate on said agreement and, if an agreement is not reached, said commission is authorized by law to order a contract on such terms as it sees fit.

XII.

That the area to be annexed constitutes a small geographical part of the Township of St. Cloud, and only a small part of the said township which is of urban character.

XIII.

That the Township of St. Cloud has not been able to meet the severest problems in the area to be annexed, which are urban problems; namely, the water and sewer problems, and was unable to show any possibility of meeting these problems in the immediate future. That the said township does have an adequate fire department. However, its police department is inadequate, in that it has only two constables, untrained in police work.

CONCLUSIONS OF LAW

I.

The Minnesota Municipal Commission duly acquired, and now has, jurisdiction of the within proceedings.

II.

That area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the Village of Waite Park, Minnesota.

III.

The interests of the Village of Waite Park and the area to be annexed would be best served by the annexation of said area to the Village of Waite Park, Minnesota.

IV.

Municipal government and the corresponding municipal services are required in the area to be annexed for the

preservation and protection of public health, welfare and safety in the area to be annexed and in the Village of Waite Park, Minnesota.

V.

The township form of government is not adequate to meet the problems found to exist in the area to be annexed.

VI.

The Village of Waite Park can meet the problems existing in the area to be annexed, can remedy them and provide any and all governmental service presently required and which may become necessary in the future in the area to be annexed.

VII.

An Order should be issued by the Municipal Commission ordering the annexation of the land described herein to the Village of Waite Park. Let an Order for such annexation be entered and filed accordingly.

Enacted by unanimous vote of the Municipal Commission of the State of Minnesota with Edward L. Henry abstaining from voting, the following Order is filed.

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

IN THE MATTER OF THE PETITION FOR THE ANNEXATION
OF CERTAIN LAND TO THE VILLAGE OF WAITE PARK, MINNESOTA

O R D E R

IT IS HEREBY ORDERED: That certain real estate lying in
and being a part of the County of Stearns, State of Minnesota,
and described as follows, to-wit:

Blocks One (1) through Thirteen (13), in
Oakdale Addition, according to the plat
and survey thereof and on file and of
record in the office of the Register of
Deeds in and for Stearns County, Minnesota,

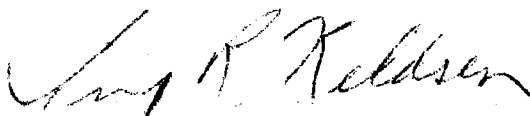
Blocks One (1), and Two (2), in Waite Park
Acres Addition, according to the plat and
survey thereof on file and of record in
the office of the Register of Deeds in and
for Stearns County, Minnesota,

The East 104.35 feet of the West 435.98
feet of the North 208.71 feet of the North-
east Quarter of the Northwest Quarter of
Section 16, Township 124, Range 28,

be, and the same hereby is, annexed to the Village of Waite
Park, Minnesota, the same as if it had originally been made
a part thereof.

Dated this 10th day of February, 1966

MINNESOTA MUNICIPAL COMMISSION
459 Rice Street
St. Paul, Minnesota 55103



Irving R. Keldsen
S e c r e t a r y